United Nations A/57/847

General Assembly

Distr.: General
14 July 2003

Original: English

Fifty-seventh session
Agenda items 10 and 159

Report of the Secretary-General on the work of the Organization

Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

Letter dated 14 July 2003 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the Secretary-General

I extend my warm greetings and, upon authorization, send this letter to you with regard to a "memorial ceremony" which is to be held in south Korea under the name of the "United Nations Command" to mark the fiftieth year of armistice in Korea.

The 1950-1953 Korean War was a war of aggression imposed by a super-Power with a view to taking control of a strategic position in the region of north-eastern Asia in the early period of the Cold War and the "United Nations Command" is nothing more than an institution fabricated by abusing the name of the United Nations to cover up the aggressive nature.

As is known to all, the war action which broke out on the Korean peninsula on 25 June 1950, at a time when the former Soviet Union, in a demonstration of its objection to the representation of the "Republic of China" (Taiwan) at the United Nations, had been boycotting participation in all activities of the Security Council since January 1950. On the same day a "complaint of aggression upon the 'Republic of Korea'" was referred to the Security Council in accordance with a prearranged scenario.

In the situation where the "complaint of aggression" had been lodged against it, the Government of the Democratic People's Republic of Korea, as the party concerned, requested repeatedly at that time to attend the Security Council meetings in order to prove the untruth of the "complaint of aggression" in accordance with Chapter V, Article 32 of the Charter of the United Nations, which provides that a State "if it is a party to a dispute under consideration by the Security Council, shall be invited to participate, without vote, in the discussion relating to the dispute".

03-42749 (E) 160703

However, the Security Council ignored our due request and legitimate right and adopted, on 25 June 1950, a "resolution" determining that "the armed attack by forces from North Korea ... constitutes a breach of the peace" and, on 27 June 1950, a "resolution" recommending that Members of the United Nations take military steps. Subsequently, on 7 July 1950, the Security Council even adopted a "resolution" on the formation of "a unified command under the United States of America".

This constitutes a flagrant violation of Chapter V, Article 27, paragraph 3, of the Charter of the United Nations, which at the time provided that "Decisions of the Security Council on all important matters shall be made by an affirmative vote of seven members including the concurring votes of the permanent members", and of the aforementioned Article 32 of the Charter.

In this respect, it is recalled that during the discussion of the draft of the Charter of the United Nations at the San Francisco Conference, a statement was made on 7 June 1945 unequivocally clarifying that the "concurring votes" in paragraph 3 of Article 27 of Chapter V of the Charter meant the consensus of the five permanent members.

The then Government of the Soviet Union declared that all Security Council resolutions concerning the Korean War, which had been adopted in the absence of the USSR, a permanent member, were illegal and could have no legal force. It was therefore a thorough exercise of veto power by the Soviet Union.

Shortly after that, the "Unified Command under the United States" was disguised unilaterally as the "United Nations Command" and remains until today to be misused for encroaching upon the sovereignty of a State Member of the United Nations.

The fact that the Security Council has no authority to control the "United Nations Command" is in full violation of Chapter VII, Articles 46 and 47, of the Charter of the United Nations, which provide that the application and command of armed forces shall be under the responsibility of a Military Staff Committee of the Security Council.

All these facts prove once again that the "United Nations Command" stationed in south Korea, an institution entirely illegal and anachronistic, is, de facto, the United States Military Command, which only serves as a tool for achieving the strategic purposes of the United States.

The purpose for and process leading to the fabrication of the "United Nations Command" at the United Nations in the 1950s have marked in the history of the United Nations an unpleasant vestige which resulted from the arbitrariness and high-handedness of a super-Power and should not be repeated.

There still persists on the Korean peninsula an unstable status, which is neither peace nor war, and the current situation on the Korean peninsula is deteriorating drastically because of the isolation and strangling policy pursued by a super-Power.

Under these circumstances, the "memorial ceremony" marking the fiftieth year of the armistice in Korea to be organized under the name of the "United Nations Command" is a very dangerous act which demonstrates that another war may be enforced again on the Korean peninsula by abusing the name of the United Nations.

I request the United Nations Secretariat to urge immediate cancellation of the said "memorial ceremony" having paid serious attention to it.

The United Nations must no longer remain an indifferent spectator with regard to the issue of dissolving the "United Nations Command", since the Korean Armistice Agreement was signed under the name of the United Nations, and the name and flag of the United Nations are still being abused now against a Member State in contradiction of the principles and purposes of the Charter.

I should be grateful if you should have the present letter circulated as a document of the General Assembly, under agenda items 10 and 159.

I wish you success in your responsible work.

(*Signed*) **Pak** Gil Yon
Ambassador
Permanent Representative